

45:30-3-4. Products in short supply

If any non-designating Manufacturer, or corporate subsidiary of any Manufacturer who markets his products solely through a subsidiary or subsidiaries, Rectifier, Distiller, Fermenter, Winemaker, Nonresident Seller or a distributor of alcoholic beverages bottled in a foreign country shall not have a sufficient supply of alcoholic beverage of any of the brands or kinds which he manufactures or distributes to fill and ship orders of all licensed Wine and Spirits Wholesalers in this State in the sequence and order in which such purchase orders are received within forty-five (45) calendar days from the date the order of the licensed Wine and Spirits Wholesaler bears such, the Manufacturer or distributor, Rectifier, Winemaker, or Nonresident Seller shall immediately certify such fact to the Director of all such alcoholic beverage in short supply. The certificate required hereunder shall be verified under oath by a responsible officer or official of the Manufacturer, distributor or Nonresident Seller and shall set forth in detail and in such form as may be prescribed by the Commission all pertinent facts upon which the request for allocation is based. The filing of any materially false certificate under this section, or the failure of any such Manufacturer, distributor or Nonresident Seller to fully and truthfully certify such facts to the Commission as may be required in support of an application for allocation shall be prima facie evidence, in any proceeding, of an intent to violate Section 3-116 of Title 37A of the Oklahoma Statutes, and shall be grounds for the revocation of the authority of such Manufacturer or distributor to sell, or offer for sale, any and all of the brands and kinds of alcoholic beverage manufactured or sold by said Manufacturer or

distributor. (EXCEPTION: Direct import items shall be shipped within sixty (60) days from the date of the order of the licensed Wine and Spirits Wholesaler). However, wine and spirits wholesalers are authorized to non-sequentially ship and fill orders on products designated as being in short supply to retailers. Products considered in “short supply” are limited to those products which satisfy the definition set forth in 37A O.S. § 3-116(E).

[Source: Amended at 35 Ok Reg 833, eff 10-1-18 ; Amended at 41 Ok Reg, Number 23, effective 8-25-24]